



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Human Resource Management
Subject: Background Check Policy for County Volunteers
Serving Juveniles

Policy Number: 6-25
Supersedes: 09/01/01
Date Issued: 01/01/05

I. PURPOSE

The purpose of this policy is to preserve the safety and well-being of children served by the county. This policy requires background checks on all county volunteers who will provide services to juveniles including volunteers registered with Human Resource Management's (HRM) volunteer coordinator, volunteer rescue squad members and volunteer firefighters. The county will not permit individuals to work with children if they have ever demonstrated criminal conduct incompatible with service to or care of children.

II. IMPLEMENTATION

- A. Each county department and rescue squad shall determine in conjunction with HRM the volunteer positions that shall be subject to this policy. Volunteers in the police department are excluded from this policy since they complete a more detailed background investigation on volunteers.
- B. Each newly registered volunteer covered under this policy shall be required, as a condition of participation as a volunteer, to submit to fingerprinting and to execute a release of information form. All volunteers must provide truthful, correct and complete information on the Release form. Failure to do so will result in disqualification from volunteering in a Juvenile Services Position. Volunteer fingerprints will be forwarded through the CCRE to the Federal Bureau of Investigations for the purpose of obtaining national criminal history record information. Volunteers will be permitted to begin working subject to completion of a satisfactory background check. Failure to submit to fingerprinting or executing the Release shall disqualify the individual from volunteering in a position that serves or cares for children. The Release of Information form is automated and available on HRM's intranet site.
- C. The County Administrator may implement a system-wide random criminal background check process on all volunteers serving juveniles if he deems such a process appropriate. All volunteers are required to report to their supervisor as soon as practicable all misdemeanor and felony arrests and convictions. Failure to report an arrest or conviction may result in disqualification from volunteering.

III. APPLICABLE DATA BASES

- A. HRM shall process fingerprints and each Release form received from a volunteer in order to receive information from the Central Criminal Record Exchange ("CCRE") maintained by the State Police; the Sex Offender and Crimes Against Minors Registry from State Police; and the Court Access Information System ("CAIS") maintained by the Virginia Supreme Court and local police records as deemed necessary by the county's background investigator.

IV. BARRIER CRIMES/DISPOSITIONS

The services of a volunteer shall not be accepted if the results of the background check show that the person has ever been convicted of any of the following crimes as set out in Title 18.2 of the *Code of Virginia* as may be amended or equivalent offenses in another state:

- A. **Crimes Against the Person**
 - 1. Murder and manslaughter (§ 18.2-30 et seq.)
 - 2. Malicious wounding by mob (§ 18.2-41)

3. Abduction (§§ 18.2-47A, -48)
4. Felony assault and bodily wounding (§ 18.2-51 et seq.)
5. Robbery (§ 18.2-58)
6. Carjacking (§ 18.2-58.1)
7. Extortion and other threats (§§ 18.2-59, -60)
8. Sexual assault (§ 18.2-61 et seq.)
9. Felony stalking (§ 18.2-60.3)
10. Any other felonies against the person as defined by the Code of Virginia
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

B. Crimes Against Property

1. Felony arson (§ 18.2-77 et seq.)
2. Burglary (§ 18.2-89 et seq.)
3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

C. Crimes Involving Health and Safety

1. Felony conviction relating to distribution of drugs. (§18.2-247 et seq.)
2. Felony possession of drugs within eight (8) years of the date of application (§18.2-247 et seq.)
3. Drive-by shooting (§ 18.2-286.1)
4. Use of machine gun in a crime of violence (§ 18.2-289)
5. Aggressive use of machine gun (§ 18.2-290)
6. Use of sawed off shot gun in crime of violence (§ 18.2-300A)
7. Felonious discharge of firearms within or at occupied dwellings (§ 18.2-279)
8. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

D. Crimes Involving Morals and Decency

1. Failing to secure medical attention for injured child (§ 18.2-314)
2. Pandering (§ 18.2-355)
3. Crimes against nature involving children (§ 18.2-361)
4. Taking indecent liberties with children (§§ 18.2-370, -370.1)
5. Abuse and neglect of children (§ 18.2-371.1)
6. Obscenity offenses (§ 18.2-374.1)
7. Possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)
8. Incest (§ 18.2-366)
9. Abuse and neglect of incapacitated adults (§ 18.2-369)
10. Employing or permitting a minor to assist in an act constituting an obscenity offense (§ 18.2-372 et seq.)
11. Conviction of any attempts or conspiracies to commit any of the aforesaid crimes

E. Crimes Against Minors – Any conviction for a crime against the person or property of a minor, felony or misdemeanor, inclusive of the crimes set forth above.

V. ALL OTHER CRIMES/DISPOSITIONS

All other convictions or pending charges (excluding crimes against minors) revealed through a background check shall be considered on a case by case basis to determine whether or not the past conduct of the volunteer is compatible with working with juveniles. HRM, and as appropriate the Department Director, rescue squad president or operations chief, and the County Attorney, shall determine whether such information disqualifies the volunteer. Among factors that may be considered in deciding whether an individual should be permitted to volunteer, consideration may be given to the nature and character of the past conduct; how the past conduct relates to the particular functions of the volunteer's job; the length of time since the offending conduct; rehabilitation of the individual, if applicable; the volunteer's performance record; and how such conduct affects the integrity of the program. The volunteer shall be given an opportunity to provide evidence of any mitigating circumstances prior to a decision being made concerning the volunteer's qualifications for service. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.

VI. DISSEMINATION OF RESULTS/CONFIDENTIALITY

All background search information shall be returned to HRM. All persons receiving background information regarding a volunteer shall maintain the confidentiality of such information in accordance with applicable law. HRM shall destroy such records after a final decision has been made to retain or terminate the services of a volunteer.

VII. APPEAL

Any volunteer whose services are rejected by the county as a result of information received from the background check may appeal such decision to the department director if the volunteer believes the department director's decision was based on inaccurate background information.



CHESTERFIELD COUNTY
BACKGROUND INVESTIGATION RELEASE OF INFORMATION
FOR COUNTY EMPLOYEES, COUNTY VOLUNTEERS AND
CO-SPONSORED COACHES/VOLUNTEERS

TO WHOM IT MAY CONCERN:

I hereby authorize Chesterfield County Human Resource Management to obtain records related to me, if any, from criminal justice agencies. I understand that the information released is for official use by Chesterfield County for the sole purpose of determining my eligibility to volunteer, be employed, promoted, or transferred and may be disclosed to other persons only as necessary to determine my eligibility.

I understand that failure to provide all or part of the information may result in my disqualification for employment/volunteerism. This release shall be effective on the date of its execution and expire upon completion of my background investigation.

PLEASE PRINT CLEARLY

Print Full Name: Last: _____ First: _____ Middle: _____

Other Names Used (Include Maiden): _____

Social Security Number: _____

Date of Birth: ____ / ____ / ____ State of Birth: _____ Country of Birth: _____

Gender: ☐ Male ☐ Female Eye Color: _____ Hair Color: _____

Height: _____ Weight: _____ Race: _____

Current Address: Street: _____ Apt # _____
City, State, Zip _____

Previous Address: Street: _____ Apt # _____
(Past 5 years): City, State, Zip _____

If Co-Sponsored Coach list League: _____

If Employee/County Volunteer list Department: _____

Today's Date: _____

Phone Number: Home: _____ Work: _____

Signature (Full Name): _____